

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Touchton-Williams v. State of Florida

No. 1D2025-0677 · No. No. 1D2025-0677 · Decided May 13, 2026

SUMMARY

The First District Court of Appeal of Florida reversed and remanded an order denying Alexis Touchton-Williams’s Florida Rule of Criminal Procedure 3.850 postconviction motion. The court held that the trial court lacked jurisdiction to re-enter a corrective order before issuance of the appellate mandate, and that a later nunc pro tunc order could not cure the jurisdictional defect.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Lewis, J.; Winokur, J.; Neff, J.
JURISDICTION	First District Court of Appeal of Florida
DECIDED	May 13, 2026
DOCKET	No. 1D2025-0677
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Circuit Court for Alachua County denying Appellant's motion for postconviction relief under Florida Rule of Criminal Procedure 3.850.
PRECEDENTIAL VALUE	published
PARTIES	Alexis Touchton-Williams v. State of Florida

TOPICS

- post-conviction relief
- state post-conviction relief
- appellate jurisdiction
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had jurisdiction to enter a corrective order complying with the First District's prior decision before the appellate mandate issued.

2. Whether a later nunc pro tunc order could retroactively cure the trial court's lack of jurisdiction when the corrective order was entered.
3. Whether the order denying the motion to strike could stay the proceedings retroactively after Appellant had filed the appeal.

HOLDINGS

1. The trial court lacked jurisdiction to enter the corrective order before the First District's mandate issued because the mandate is the procedural vehicle by which jurisdiction transfers back to the trial court.
2. A nunc pro tunc order could not cure the defect because the error involved the trial court's creation of a new corrective order while it lacked jurisdiction, rather than an omitted record entry memorializing an act previously taken.

KEY QUOTATIONS

"An appellate court's mandate is the procedural vehicle by which jurisdiction transfers back to the trial court."

"The error at issue was not an act of omission, but the creation of a new corrective order that was done when the lower tribunal did not yet have jurisdiction to create that order."

"Nunc pro tunc orders are issued to correct clerical mistakes or refer to judicial acts which memorialize a previously taken judicial act."

FACTUAL BACKGROUND

The First District previously reversed or otherwise found deficiencies in the trial court's denial of Appellant's Rule 3.850 motion because the order lacked record excerpts conclusively refuting several claims. Although the appellate court's opinion issued on February 5, 2025, its mandate did not issue until March 5, 2025. The trial court entered a corrective order on February 19, 2025, before the mandate issued, and later attempted to retroactively cure the defect through a nunc pro tunc order.

PROCEDURAL HISTORY

In a prior appeal, the First District held that the trial court was required to attach record excerpts conclusively refuting Appellant's postconviction claims and identified grounds for which the attachments were insufficient. Before the prior appeal's mandate issued, the trial court re-entered an order denying the Rule 3.850 motion with additional record attachments. After Appellant appealed, the trial court attempted to cure the jurisdictional problem through an order that purported to stay the proceedings nunc pro tunc until issuance of the mandate. The First District reversed and remanded for re-entry of the order after its mandate issued.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must re-enter the order denying the Rule 3.850 motion with the required record attachments after the First District's mandate has issued.

CASES CITED

- Touchton-Williams v. State, 402 So. 3d 454 (Fla. 1st DCA 2025)
- Mathis v. State, 963 So. 2d 299 (Fla. 1st DCA 2007)
- Leatherwood v. State, 168 So. 3d 328, 330 (Fla. 3d DCA 2015)
- Scott v. State, 156 So. 3d 9, 10 (Fla. 5th DCA 2014)
- Kimmel v. State, 629 So. 2d 1110, 1111 (Fla. 1st DCA 1994)
- D.M. v. State, 580 So. 2d 634, 635 (Fla. 1st DCA 1991)
- Erlacher v. Erlacher, 289 So. 2d 459, 460 (Fla. 4th DCA 1974)